



Public Notice

Applicant: K. Hovnanian
Waterbury, LLC.

Published: July 5, 2016
Expires: August 5, 2016

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Application No: 2015-00964
Section: OH

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
Regulatory Branch (Attn:) Shawn Blohm
1100 Graham Road Circle
Stow, Ohio 44224-2933

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: K. Hovnanian Waterbury, LLC.

WATERWAY & LOCATION: Federally jurisdictional wetland and stream on an approximate 97 acre site located north of the intersection of Bender Road and Chestnut Ridge Road, City of Elyria, Lorain County, Ohio (Sheet 1 of 6).

LATITUDE & LONGITUDE: Latitude North: 41.34873
Longitude West: -82.05002

EXISTING CONDITIONS: Description of delineation of waters of the US: A preliminary jurisdictional determination (PJD) was issued for the four acre site on 21 OCT 2015. The PJD identified six emergent wetlands that total 1.855 acres and 4,143 linear feet of intermittent stream channel (Sheet 2 of 6). The Corps determined all on-site waters have a surface water connections with the downstream navigable water (Black River).

PROPOSED WORK: To permanently fill 1.529 acre of emergent wetland (Wetlands A, B, C, D, E, and F) and 2,159 linear feet of intermittent stream channel to construct 212 residential units, a recreational area, and associated infrastructure.

PROJECT PURPOSE

Basic: Residential Development

Overall: To construct a residential subdivision within eastern Lorain County, Ohio.

Water Dependency Determination: The proposed project is not a water dependent activity. Therefore, it is presumed that practicable upland alternatives exist that are less environmentally damaging. It is the applicant's responsibility to demonstrate that there are no alternate sites that are less environmentally damaging that would allow the applicant to accomplish their project purpose.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant provided three alternatives for completing the proposed project including two onsite design alternatives, the Preferred Alternative and Minimal Degradation Alternative. One off-site alternative was assessed.

Minimal Degradation Alternative:

The Minimal Degradation Alternative (MDA) would result in the construction of 212 residential units, a recreational area, and associated infrastructure resulting in the permanent filling of 1.529 acre of wetland and 2,195 linear feet of intermittent stream channel. This alternative would avoid 0.326 acre of jurisdictional wetland 1,948 linear feet of intermittent stream channel. The applicant is seeking to permit the Minimal Degradation Alternative (Sheet 3 of 6).

Preferred Alternative:

The Preferred Design Alternative (PDA) 236 residential units, a recreational area, and associated infrastructure resulting in the filling of 1.678 acre of jurisdictional wetland and 2,613 linear feet of intermittent stream channel. This alternative would avoid 0.177 acre of jurisdictional wetland and 1,530 linear feet of intermittent stream channel (Sheet 4 of 6).

Offsite Alternative:

The applicant has considered one offsite alternative location. The Corps is currently reviewing off-site alternatives.

PROPOSED MITIGATION:

The applicant's proposed mitigation plan is for the MDA. The Corps is currently reviewing the proposed mitigation plan. To compensate for impacts to 1.529 acres of emergent wetland, the applicant will create 2.3 acres of emergent wetland on-site. To compensate for impacts to 2,195 linear feet of intermittent stream channel, the applicant will create 2,195 linear feet of intermittent stream channel on-site. See sheet 5 of 6 and Sheet 6 of 6 for wetland and stream mitigation design and work details.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Shawn Blohm, who can be contacted at the above address, by calling (330)-923-8214, or by e-mail at: shawn.u.blohm@usace.army.mil. A lack of a response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 3 of 6. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (E), northern long-eared bat (T), Kirtland's warbler (E), piping plover (E), rufa red knot (T), and bald eagle (SC) to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the

receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

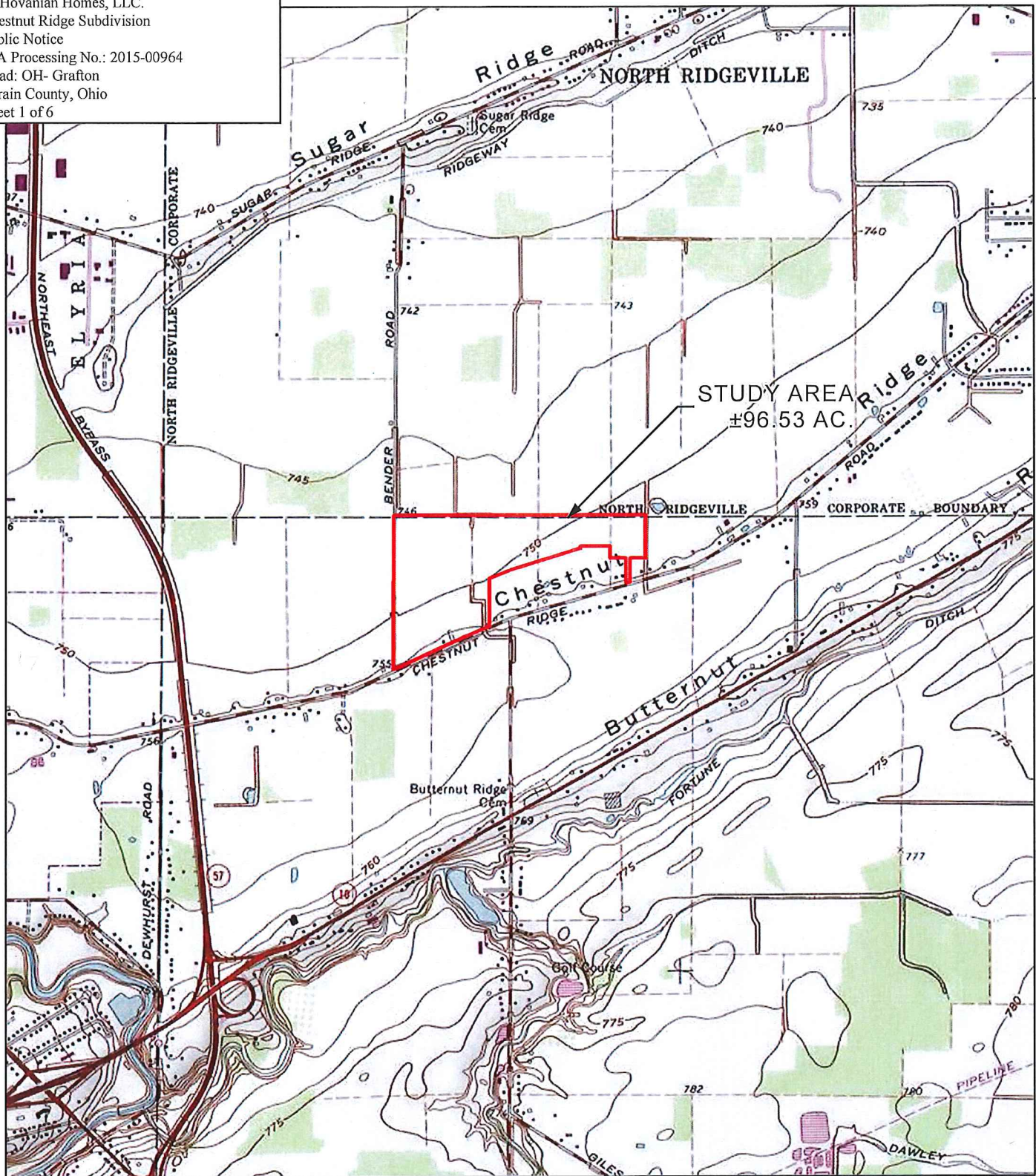
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

K. Hovanian Homes, LLC.
 Chestnut Ridge Subdivision
 Public Notice
 D/A Processing No.: 2015-00964
 Quad: OH- Grafton
 Lorain County, Ohio
 Sheet 1 of 6



 STUDY AREA (±96.53 AC.)

SITE LOCATION MAP
 CHESTNUT RIDGE SUBDIVISION
 CITY OF ELYRIA
 LORAIN COUNTY, OHIO

SOURCE: USGS TOPOGRAPHIC 7.5 MINUTE
 GRAFTON, OHIO QUADRANGLE (1979)



0 1,000 2,000
 Feet

DATE: 3/8/2016
 DR: BS
 GIS FILE: 15001493_01_SITE_20151015

 **ATWELL**

866.850.4200 www.atwell-group.com

K. Hovnanian Homes, LLC.
 Chestnut Ridge Subdivision
 Public Notice
 D/A Processing No.: 2015-00964
 Quad: OH- Grafton
 Lorain County, Ohio
 Sheet 2 of 6

WETLAND DETERMINATION MAP

SITE BOUNDARY (0.633 ACRES)
 INTERMITTENT STREAM (4.113 LF)
 DOMINANT WETLANDS (1.883 ACRES)
 PERMANENT WETLANDS (0.000 ACRES)
 PERMANENT WETLANDS (0.000 ACRES)



Know what's below.
 Call before you dig.

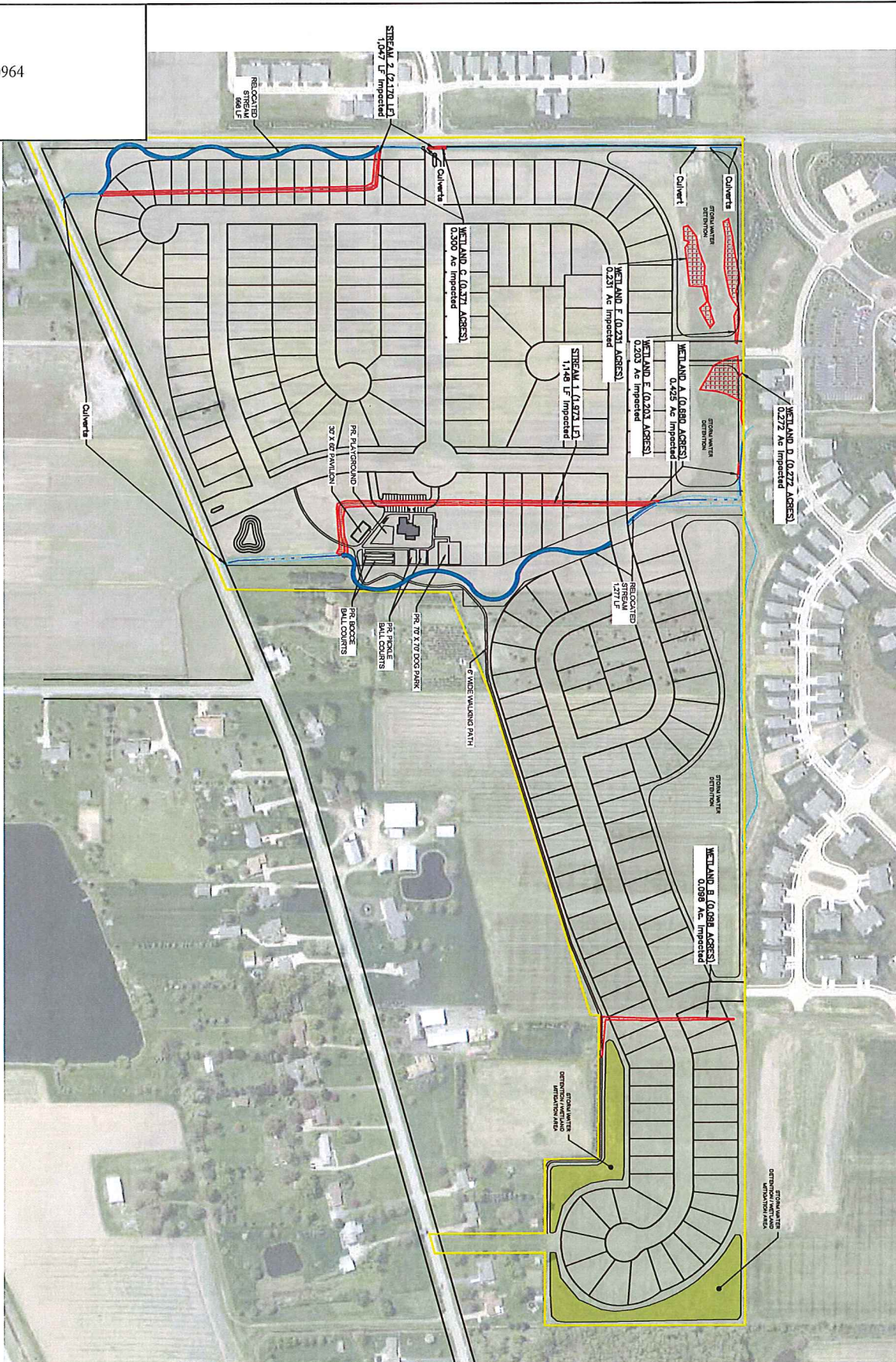
811 is a national emergency number for utility services. It is a free service that allows you to report a problem with a utility or to request a service. It is a national emergency number for utility services. It is a free service that allows you to report a problem with a utility or to request a service.

SCALE: 1" = 1500' (SEE NOTE)
 DATE: 9/10/15
 SHEET: 1 OF 6

CLIENT: K. HOVNANIAN HOMES, LLC
 6150 PARK SQUARE DRIVE, SUITE A
 LORAIN, OH 44053

CHESTNUT RIDGE SUBDIVISION
 CITY OF ELYRIA
 LORAIN COUNTY, OHIO

ATWELL
 866.850.4200 www.atwell-group.com
 7100 E. PLEASANT VALLEY RD., SUITE 220
 PORTLAND, OH 44131
 440.349.2020

[illegible]

DATE	CLIENT
02/26/2011	K. HOVNIANIAN WATERBURY, LLC
	6150 PARK SQUARE DRIVE, SUITE A LORAIN, OH 44053

CHESTNUT RIDGE SUBDIVISION
CITY OF ELYRIA
LORAIN COUNTY, OHIO



SITE BOUNDARY (0.653 ACRES)
 AVOIDED STREAMS (1,530 LF)
 IMPACTED STREAMS (2,613 LF)
 AVOIDED WETLANDS (0.177 ACRES)
 IMPACTED WETLANDS (1.678 ACRES)
 WETLANDS CONTINUE OFF-SITE. VALUES SHOWN
 REFLECT ON-SITE ACREAGE

[illegible][illegible]

SCALE	0	75	150
	1" = 150 FEET		
DR.	BS	OK	JM
P.L.	JM		
BOOK	1		
JOB	150071493		
SHEET NO.			

CLIENT
K. HOVHANIAN WATERBURY, LLC
6150 PARK SQUARE DRIVE, SUITE A
LORAIN, OH 44053

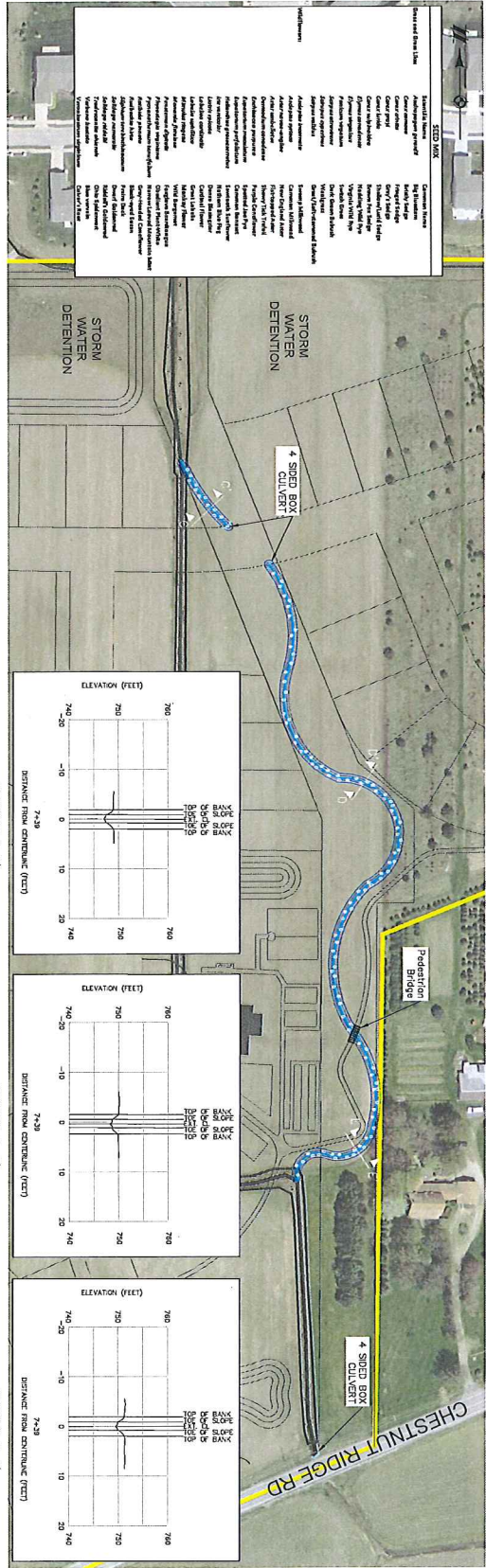
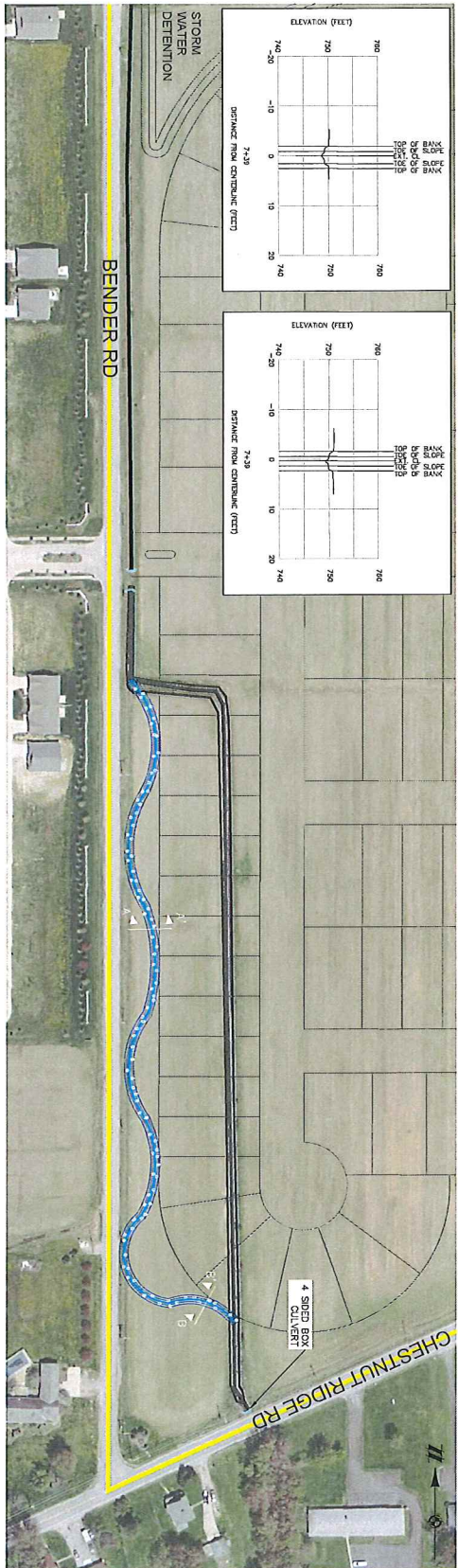
CHESTNUT RIDGE SUBDIVISION
CITY OF ELYRIA
LORAIN COUNTY, OHIO



ATWELL
866.850.4200 www.atwell-group.com
7100 E. PLEASANT VALLEY RD., SUITE 220
INDEPENDENCE, OH 44131
440.349.2000

STREAM MITIGATION EXHIBIT

Project Area (56.53 acres)
Proposed Interim Stream (2,195 LF)
Boulders and cobble will be added randomly to substrate to enhance to enhance habitat.



SCALE: 1" = 50' (VERTICAL)
1" = 100' (HORIZONTAL)
DATE: 1/14/16
DRAWN: JLM
CHECKED: JLM
APP: JLM
SCALE NO. 1

CLIENT: K. HOVNANIAN WATERBURY, LLC
6150 PARK SQUARE DRIVE, SUITE A
LORAIN, OH 44053

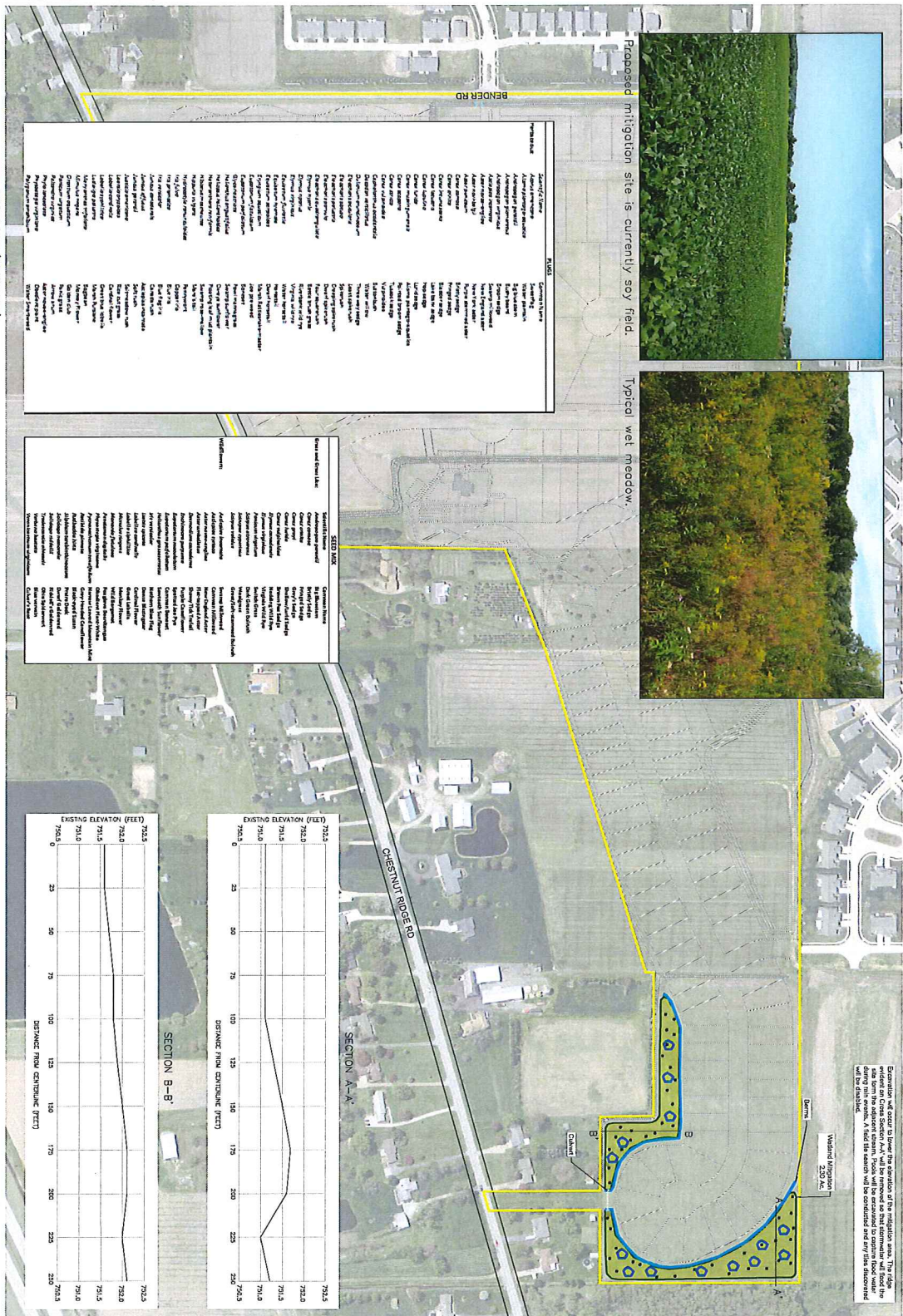
CHESTNUT RIDGE SUBDIVISION
CITY OF ELYRIA
LORAIN COUNTY, OHIO

ATWELL
866.850.4200 www.atwell-group.com
7100 E. PLEASANT VALLEY RD., SUITE 220
PAINESVILLE, OH 44131
440.343.2000



Restored emergent wetlands (2.30 acres) will be seeded with a high-quality native wetlands seed mix and planted with native herbaceous plugs.

WETLAND MITIGATION EXHIBIT

[illegible]

DATE	CLIENT
1/21/16	K. HOVNANIAN WATERBURY, LLC
	6150 PARK SQUARE DRIVE, SUITE A LORAIN, OH 44053

CHESTNUT RIDGE SUBDIVISION
CITY OF ELYRIA
LORAIN COUNTY, OHIO

